

Matter of Carey
Del. Supr. No. 202, 2001 (5/3/01)
Board Case No. 16, 2001

Disciplinary Rules: **DLRPC 1.15 and 8.4(c), Proc. Rule 16(a)**

Sanctions Imposed: Interim suspension

By Order of the Delaware Supreme Court dated May 3, 2001, Robert E. Carey was immediately suspended from the practice of law in Delaware, pending final disposition of all attorney disciplinary proceedings. The Court found that Mr. Carey had engaged in ethical misconduct and posed a significant threat to the orderly administration of justice. On May 1, 2001, a Consensual Petition for Interim Suspension was filed by the Office of Disciplinary Counsel (“ODC”) and Mr. Carey’s attorney, Charles Slanina, Esquire, of Tybout, Redfearn & Pell, on the grounds that Mr. Carey had converted client escrow funds to his own use.

In mid-April, Mr. Carey contacted the Lawyers’ Assistance Program with the intention of taking action to rectify the situation. On April 27, 2001, he closed his law practice. All active client files were transferred to substitute counsel and all active clients were notified of the closing of his practice and of the transfer of the files. On Monday, April 30, 2001, Mr. Carey and his counsel met with Chief Counsel of the ODC and voluntarily reported the foregoing as an act of conscience and in the absence of any threat of imminent discovery. Mr. Carey turned over all operating and escrow account records to the ODC. He attempted to liquidate personal assets and to borrow funds sufficient to provide full restitution for the misappropriated funds.

Mr. Carey notified the Delaware Attorney General’s office of his misconduct. No criminal charges were pending at the time of the interim suspension.

The Delaware Supreme Court also directed the ODC to petition the Court of Chancery for the appointment of a receiver. By Order also dated May 3, 2001, Cathy L. Reese, Esquire, an attorney with the law firm of Blank Rome Comisky & McCauley LLP, was appointed as receiver for Mr. Carey’s law practice.